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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

14 ADAM WEISBLATT, JOE HANNA, and
15 DAVID TURK, individually and on behalf of
16 all others similarly situated,

17 Plaintiffs,

18 v.

19 APPLE, INC., AT&T, INC., AT&T
MOBILITY LLC, and Does 1-10,

20 Defendants.

Case No. 5:10-cv-02553-RMW

**STIPULATION AND [] ORDER
OF DISMISSAL OF AT&T INC. WITHOUT
PREJUDICE**

[F.R.C.P. 41(a); N.D. CAL. CIVIL L.R. 7-12]

The Hon. Ronald M. Whyte

FAC filed: June 23, 2010

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1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and Northern District
2 Local Rule 7-12, it is hereby stipulated by and among plaintiffs Adam Weisblatt, Joe Hanna and
3 David Turk and defendants AT&T, Inc. and AT&T Mobility LLC (collectively, "AT&T") and
4 defendant Apple Inc., through their respective attorneys, that the above-captioned action shall be
5 and is dismissed without prejudice as to AT&T Inc. only. Both parties shall bear their own
6 attorneys' fees and costs.

7 Dated: September 16, 2010

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

8 By: /s/ Roger N. Heller

10 Roger N. Heller
11 Attorneys for Plaintiffs

12 Dated: September 16, 2010

CROWELL & MORING, LLP

13 By: /s/ M. Kay Martin

14 M. Kay Martin
15 Attorneys for Defendants
16 AT&T, Inc. and AT&T Mobility LLC

17 Dated: September 16, 2010

MORRISON & FOERSTER LLP

18 By: /s/ Penelope A. Preovolos

19 Penelope A. Preovolos
20 Attorneys for Defendant Apple Inc.

21 I, M. Kay Martin, am the ECF User whose ID and password are being used to file this
22 Stipulation. In compliance with General Order 45, section X.B., I hereby attest that concurrence
23 in the filing of the document has been obtained from each of the other signatories.

24 By: /s/ M. Kay Martin
25 M. Kay Martin

26 **[] ORDER**

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 Date: 9/22/10


Hon. Ronald M. Whyte
United States District Judge